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SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8114

UNITED STATES OF AMERICA, Plaintiff, vs. Juan Carlos DAVILA (1), Monica Christine MARTINEZ(2), Defendants.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about February 5, 2008, within the Southern District of California, defendants Juan Carlos DAVILA and Monica Christine MARTINEZ did knowingly and intentionally import approximately 31.48 kilograms (69.26 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

[signature]
Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 6th DAY OF FEBRUARY, 2008.

[signature]
Peter C. Lewis
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Juan Carlos DAVILA
Monica Christine MARTINEZ

STATEMENT OF FACTS

This complaint is based upon the personal observations, investigation and information provided to U.S. Immigration and Customs Enforcement Special Agent Timothy Henderson.

On February 5, 2008, Juan Carlos DAVILA and Monica Christine MARTINEZ entered the United States at the Calexico, California West Port of Entry. DAVILA was the driver of a Dodge van registered to Jose Alfredo Gallardo. MARTINEZ was a passenger in the van. United States Customs and Border Protection Officer (CBPO) F. Cortes took a negative Customs declaration from DAVILA. DAVILA and MARTINEZ were referred to secondary.

In vehicle secondary, CBPO J. Carp approached both DAVILA and MARTINEZ who were sitting in the Dodge van. CBPO J. Carp received a negative Customs declaration from both occupants of the vehicle. During CBPO J. Carp's conversation with DAVILA, CBPO J. Carp observed that MARTINEZ was avoiding eye contact and staring straight ahead. MARTINEZ was also continuously taking puffs of her cigarette. CBPO J. Carp stated that DAVILA was acting overly friendly. Further inspection of the vehicle resulted in the discovery of twenty (20) packages containing a green leafy substance. A sample of the substance field-tested positive for marijuana. The total weight of the packages was 31.48 kilograms (69.26 pounds).

Special Agent (S/A) Timothy Henderson interviewed DAVILA. S/A Henderson read DAVILA his constitutional rights per Miranda in English. DAVILA admitted knowledge of controlled substances within the van. DAVILA stated that he was to be paid to deliver the controlled substance laden vehicle to Calexico, California.

DAVILA stated that MARTINEZ had no knowledge of controlled substances in the vehicle. DAVILA admitted, however, that when he and MARTINEZ picked up the vehicle, an unknown Hispanic male reached under the vehicle tapped the fuel tank and stated that the controlled substances were within.